

Chapter 8 - Guidelines for Payment of Guardians *Ad Litem* for Incapacitated Adults

Introduction

Upon the filing of every petition for guardianship or conservatorship, the court shall appoint a guardian *ad litem* to represent the interests of the respondent. The guardian *ad litem* shall be paid such fee as is fixed by the court to be paid by the petitioner or taxed as costs, as the court directs. [Va. Code § 64.2 -2003](#). This appointment must be made in accordance with the provisions of Chapter 921 of the 1997 Acts of Assembly, Clause 3, and the [Standards of the Judicial Council of Virginia](#) applicable to the appointment of guardians ad litem for incapacitated persons.

Payment for attorneys who serve as guardians ad litem for incapacitated persons will be made in accordance with guidelines established by the Supreme Court. The Supreme Court has approved the policy that guardians *ad litem* shall be compensated \$75 per hour for in-court service and \$55 per hour for out-of-court service. There is no limitation on these payments for hours that are documented and approved by the judge who appointed the guardian ad litem. The court is authorized to pay for the reasonable expenses of the guardian *ad litem* in representing the incapacitated person. [Va. Code § 64.2-2008](#). The method for documenting payment as a guardian *ad litem* is the same as that used for court-appointed counsel. See form DC-40, LIST OF ALLOWANCES.